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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

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Application Number

09/961,234

Filing Date

SEPTEMBER 24, 2001

First Named Inventor

ROYALL, WILLIAM A., JR.

Art Unit

2162

Examiner Name

CORRIELUS, JEAN M.

Attorney Docket Number

ROY03 001

### ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☒ Amendment/Reply
  - ☒ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation
- ☐ Change of Correspondence Address
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- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):  
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Remarks

PRE-APPEAL BRIEF REQUEST FOR REVIEW.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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Signature

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Date

NOVEMBER 15, 2007

Reg. No.

46,285

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ATTORNEY DOCKET NO. ROY03 001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of: William A. ROYALL, Jr., et al.

Confirmation No.: 6263

Serial No.: 09/961,234

Art Unit: 2162

Filed: September 24, 2001

Examiner: Jean M. Corrielus

Title: **METHOD OF GENERATING INCREASED APPLICATIONS FOR  
ENROLLMENT AT EDUCATIONAL INSTITUTIONS**

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

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Sir:

Applicant respectfully requests review of the final rejection in the above-identified application in view of the following remarks.

## REMARKS

**I. The rejection of Claims 6 and 12-14 under §102(b) is improper as Noël-Levitz does not disclose each and every limitation in the claims.**

1. The Office acknowledges that Noël-Levitz does not disclose each and every limitation. The Office states that “Noël-Levitz does not explicitly provide a web site containing links to a survey and to a partial application; assigning a unique access number (“PIN”) to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the website; providing each candidate accessing the web site and indicating a continuing interest in the education institution with electronic access to the partial application; for each candidate who electronically accesses the partial application” as required in Claim 12 and similarly Claim 13. See Office Action, May 18, 2007, pages 3 and 4.

2. The Office does not attempt to rely on inherency but rather hints at obviousness and brings in additional references in an attempt to correct the deficiencies as discussed in the Applicants’ Response of August 17, 2007, page 6.

3. Noël-Levitz does not disclose a partial application or the steps involving a partial application as recited in the claims. See Applicant’s response of August 17, 2006, pages 6 and 7.

4. Noël-Levitz does not disclose customizing the partial application or any type of application with personal information from the database.

The Office cites pages 18 and 19 “making [it] all work together” of Noël-Levitz as the basis of disclosure for this limitation. However, even the most imaginative reading of pages 18 and 19, would fail to provide such a teaching. The mere fact of data being recorded throughout the processes is not a teaching of using that data to customize a partial application, as required in Claims 12 and 13. In fact Noël-Levitz teaches what to do with the data, “Information mined from the data being gathered should be used to target admissions travel, select tele-counseling prospects, segment direct mail programs, build interest in special events, and predict enrollment trends while there is still time to intervene.” Noël-Levitz, page 19. This data is not nor could it be used to customize partial applications.

5. Noël-Levitz does not disclose all of the limitations in the claim and fails to provide a disclosure of a partial application and associated operations, thus the anticipated rejection by the Office is improper.

**II. The § 103 rejection of Claims 6 and 12-14 is improper because the Office’s relies on the disclosure of Noël-Levitz for limitations that are simply not disclosed in Noël-Levitz.**

1. Noël-Levitz does not disclose a partial application or the steps involving a partial application as recited in the claims. See Applicant’s response of August 17, 2007, pages 6 and 7.

2. Noël-Levitz does not disclose customizing the partial application or any type of application with personal information from the database. See I.(4) above

3. Noël Levitz does not disclose a “partial application” separate and apart from “a full application” as recited in Claim 12 and therefore cannot meet all the relied upon claim

limitations relied upon by the Office. *See* Applicants' response of August 17, 2007, page 7, last paragraph; *See also* Applicants' response of March 1, 2007, page 6, last paragraph.

4. The Office's reliance on the statement "Noël-Levitz continually update the prospective interest profile with each contact (pages 4 and 5), wherein the qualifying codes help rate and track the prospects interest in the institution at various stages of the recruiting process (pages 18 and 19)" Office Action of May 18, 2007, pages 4 and 6 to both meet and then render obvious the limitations of "provide a web site containing links to a survey and to a partial application; assigning a unique access number ("PIN") to each candidate in the target group; electronically mailing each candidate in the target group the assigned PIN and an invitation to use the PIN to access the website; providing each candidate accessing the web site and indicating a continuing interest in the education institution with electronic access to the partial application; for each candidate who electronically accesses the partial application", Office Action of May 17, 2007, page 4, as required in Claim 12 and similarly Claim 13 is so completely without merit the Applicant is at a loss for words. *See* Applicant's response of March 1, 2007, pages 3 and 4.

**III. The § 103 rejection of Claims 6 and 12-14 is improper because the Office relies on teaching in the prior art that are not present or do not obviate the deficiencies of Noël-Levitz.**

1. Schillewaert does not disclose what the Office purports. The Office reliance on Schillewaert to provide the limitations that "**Noël-Levitz does not explicitly provide**" is without any merit. *See* Applicant's response of March 1, 2007, page 5.

2. The addition of Thomas does not obviate the deficiencies of what “**Noël-Levitz does not explicitly provide**”. *See* Applicant’s response of March 1, 2007, page 6.

#### **IV. Conclusion**

The Applicant requests review of the Final Rejection and withdrawal of the rejections in view of the above comments and the Applicant’s previous responses. The Applicant also request allowance of the Application including claims.

Respectfully submitted,



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